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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,583	10/26/2001	Brett A. Green	10013478-1	8143

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EXAMINER

HONEYCUTT, KRISTINA B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/005,583

Applicant(s)

GREEN, BRETT A.

Examiner

Kristina B. Honeycutt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

PD

DETAILED ACTION

1. This action is responsive to the Amendment After Final filed on June 27, 2005.

This action is made Non-Final.

2. In the amendment, Claims 1-24 are pending. Claims 1, 9, 13 and 17 are independent claims.

3. The 103(a) rejections of claims 1-24 as being unpatentable over Johnston et al. (U.S. Pub. No. 20030048487) have been withdrawn as necessitated by the amendment.

Drawings

4. The drawings filed on November 15, 2004 have been accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6, 9, 11, 13, 15, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata et al. (U.S. Pub. No. 20030072031; publication date April 17, 2003; filed March 25, 2002; provisional application filed March 23, 2001).

Regarding independent claim 1, Kuwata discloses a method for scanning a document, comprising:

- receiving a scan request from a user browser (p.2, para. 41, 42; p.3, para. 47 – as demonstrated in the cited text, a scan request is received from a browser);
- uploading content to the user browser (p.3, para. 47, 53 – as demonstrated in the cited text, content is uploaded to the browser);
- receiving selections made with the user browser (p.3, para. 47 – as demonstrated in the cited text, selections made with the browser are received);
and
- scanning the document in accordance with the user selections (p.3, para. 47 – as demonstrated in the cited text, the document is scanned in accordance with the selections).

Regarding dependent claim 2, Kuwata discloses the method of claim 1, wherein:

- uploading content to the user browser comprises uploading logic configured to generate at least one control screen for display within the browser (p.3, para. 47,

53 – as demonstrated in the cited text, logic is uploaded that is configured to generate a control screen for display).

Regarding dependent claim 3, Kuwata discloses the method of claim 1, wherein:

- uploading content to the user browser comprises uploading at least one application that is configured to perform a designated task on a computing device on which the browser runs (p.3, para. 53 – as demonstrated in the cited text, an application configured to perform a task is uploaded).

Regarding dependent claim 6, Kuwata discloses the method of claim 1, further comprising:

- uploading scanned data to the user browser for viewing (p.1, para. 8; p.3, para. 47 – as demonstrated in the cited text, scanned data is uploaded for viewing).

Regarding claims 9 and 11, the claims reflect the system for performing the operations of claims 1 and 3 respectively and are rejected along the same rationale.

Regarding claims 13 and 15, the claims reflect the system for performing the operations of claims 1 and 3 respectively and are rejected along the same rationale.

Regarding dependent claim 21, Kuwata discloses the method of claim 1, wherein:

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- the receiving, uploading and scanning are all performed by a scanning device (p.1, para. 8; p.3, para. 47 – as demonstrated in the cited text, the scanning device performs all functions).

Regarding dependent claims 22 and 23, the claims reflect the systems for performing the operations of claim 21 and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 7, 8, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata in view of Dance et al. (U.S. Pub. No. 20020076111; publication date June 20, 2002; filed December 18, 2000).

Regarding dependent claim 4, Kuwata does not teach at least one application is configured to perform optical character recognition on the scanned document. Dance discloses performing optical character recognition on a scanned document (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings

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of Kuwata and Dance before him at the time the invention was made, to modify the method taught by Kuwata to include performing optical character recognition on a scanned document as taught by Dance, because performing optical character recognition, as taught by Dance (p.2 para. 32) would allow the user to recognize individual characters in a scanned document so that a user could make modifications to the scanned text.

Regarding dependent claim 5, Kuwata does not teach at least one application is configured to locate an optical character recognition module of a computing device on which the browser runs. Dance discloses locating an optical character recognition module of a computing device on which the browser runs since Dance teaches an optical character recognition and the optical character recognition module must be located since optical character recognition occurs (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuwata and Dance before him at the time the invention was made, to modify the method taught by Kuwata to include locating an optical character recognition module as taught by Dance, because locating an optical character recognition module, as taught by Dance (p.2, para. 32), would allow a user to utilize the module in performing optical character recognition to recognize individual characters in a scanned document.

Regarding dependent claims 7, 12 and 16, the claims reflect the method and system for performing the operations of claim 4 and are rejected along the same rationale.

Regarding dependent claim 8, Kuwata does not teach uploading an optically character recognized document to the user browser for viewing. Dance discloses viewing an optically character recognized document in the user browser (p.2, para. 31, 34). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuwata and Dance before him at the time the invention was made, to modify the method taught by Kuwata to include viewing an optically character recognized document as taught by Dance, because uploading an optically character recognized document in the user browser, as taught by Dance (p.2, para. 31, 34), would allow a user to view the document once OCR has been performed.

7. Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata in view of Somashekar et al. (U.S. Pub. No. 20020116477; publication date August 22, 2002; filed December 7, 2000).

Regarding dependent claim 10, Kuwata does not teach the means for uploading content to the user browser comprises an embedded server. Somashekar discloses an embedded server uploading content (p.1, para. 10). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuwata and Somashekar before him at the time the invention was made, to modify the system taught by Kuwata to include an embedded server uploading content as taught by Somashekar, because utilizing an embedded server allows for services to be maintained and administered at a central

location which simplifies the management of devices, as taught by Somashekar (p.1, para. 8).

Regarding dependent claim 14, the claim reflects the system for performing the operations of claim 10 and is rejected along the same rationale.

8. Claims 17-20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata in view of Dance in further view of Somashekar.

Regarding independent claim 17, Kuwata discloses a processing device (Fig. 1; p.1, para. 5).

Kuwata further discloses scanning hardware (p.1, para. 8).

Kuwata further discloses the scan control module including logic for generating at least one control screen that can be uploaded to a user browser (p.3, para. 47, 53).

Kuwata further discloses the scan control module comprising a scanning module (p.2, para. 42; p.3, para. 47) but does not disclose an optical character recognition module. Dance discloses an optical character recognition module (p.2, para. 32). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuwata and Dance before him at the time the invention was made, to modify the scanning device taught by Kuwata to include an optical character recognition module as taught by Dance, because including an optical character recognition module, as taught

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by Dance (p.2, para. 32), would allow the user to recognize individual characters in a scanned document to be used for modifications.

Kuwata further discloses a scan control module (p.2, para. 41) but does not disclose memory or an embedded server. Dance discloses a memory for storage (p.3, para. 52) and Somashekar discloses an embedded server (p.1, para. 8,10). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuwata, Dance and Somashekar before him at the time the invention was made, to modify the scanning device taught by Kuwata to include memory as taught by Dance and an embedded server as taught by Somashekar, because utilizing an embedded server allows for services to be maintained and administered at a central location which simplifies the management of devices, as taught by Somashekar (p.1, para. 8).

Regarding dependent claims 18, 19 and 20, the claims reflect the device for performing the operations of claims 3, 4 and 5 respectively and are rejected along the same rationale.

Regarding dependent claim 24, Kuwata discloses the scanning device comprises a scanner or a multifunction peripheral (MFP) device (p.1, para. 8).

Response to Arguments

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9. Applicant's arguments filed June 27, 2005, with respect to the rejections of claims 1-24 under 103(a) as being anticipated by Johnston et al. (U.S. Pub. No. 20030048487) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kuwata et al. (U.S. Pub. No. 20030072031).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method of routing and processing document images sent using a digital scanner and transceiver (U.S. Pub. No. 20030002068);
- Document management system (U.S. Pub. No. 20020083090);
- Web-enabled system and method for designing and manufacturing optical code reading systems (U.S. Pub. No. 20030213846);
- Method and apparatus for Internet, Intranet, and local viewing of virtual microscope slides (U.S. Pub. No. 20040141637);
- Method and apparatus for accessing devices on a network (U.S. Pub. No. 20010039587).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristina B. Honeycutt whose telephone number is 571-272-4123. The examiner can normally be reached on 8-5:00 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBH



CESAR PAULA
PRIMARY EXAMINER